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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

JOHN M. PELKEY  
ADMITTED IN D.C. AND VA

January 13, 1998

OUR FILE NO.  
1554-101-63

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: MM Docket No. 97-229  
RM-9100  
Warrenton, North Carolina and La Crosse, Virginia

Dear Ms. Salas:

Transmitted herewith, on behalf of MainQuad, Inc., are an original and four copies of its Reply Comments in the above-referenced rulemaking proceeding.

Kindly communicate any questions concerning this matter directly to this office.

Sincerely,

  
John M. Pelkey

JMP/ned

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before The

# Federal Communications Commission

Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 97-229
Table of Allotments	)	RM-9100
FM Broadcast Stations	)	
Warrenton, North Carolina and	)	
La Crosse, Virginia	)	

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

## Reply Comments of MainQuad, Inc.

MainQuad, Inc. ("MainQuad"), through counsel, hereby submits its Reply to the Comments of Patricia B. Wagstaff in the above-captioned proceeding.

By *Notice of Proposed Rulemaking* released November 7, 1997, the Commission proposed to reallocate Channel 297C2 from Warrenton, North Carolina, to La Crosse, Virginia, as La Crosse's first local aural service. The Commission made its proposal at MainQuad's request.

MainQuad is the permittee of WXNC(FM), which operates on Channel 297C2. MainQuad requested that, along with reallocating Channel 297C2 from Warrenton to La Crosse, the Commission also modify WXNC's construction permit to specify La Crosse as the station's community of license.

On the date established by the Commission for the submission of comments, Ms. Wagstaff proposed that Channel 297C2 be reallocated to Littleton, North Carolina, rather than La Crosse, Virginia. Ms. Wagstaff argued that Littleton, North Carolina, is more deserving of a broadcast station inasmuch as Littleton is larger than La Crosse and inasmuch as an allocation to Littleton would ensure that North Carolina does not lose a radio station.

In making its proposal, Ms. Wagstaff simply ignores the fact that she is not the licensee of WXNC. As a result, she is unable to make the requisite commitment to file an application to modify WXNC's facilities as necessary in light of any Commission action on her proposed reallocation of Channel 297C2 from Warrenton to Littleton. Ms. Wagstaff cites no cases for the novel proposition that a potential competitor can force a change in community of license upon a station. Although the Commission has, on numerous occasions, required stations to change

frequency, MainQuad is unaware of any reported case where the Commission has forced a station to change its community of license.

In any event, the points raised by Ms. Wagstaff in her Comments are now moot. On the day that Comments were due in this docket, MainQuad filed a Counterproposal in which it proposed that Channel 297 be reallocated from Warrenton, North Carolina to Powhatan, Virginia, and that, simultaneously, Channel 297A be allocated to Enfield, North Carolina. This Counterproposal would permit two communities to receive their first local transmission service. Both Powhatan, with 900 persons, and Enfield, with 3,032 persons, are larger than Littleton.


Moreover, Ms. Wagstaff's flawed assertion that Section 307 forbids the reallocation of a channel from one state to a neighboring state is now irrelevant because MainQuad's Counterproposal accommodates her concern by proposing a new allocation to Virginia, while permitting North Carolina to retain the same number of stations currently allocated to it.

In summary, Ms. Wagstaff's Comments are legally insufficient inasmuch as Ms. Wagstaff has no authority to make any commitment with respect to WXNC. In addition, the legal arguments raised in her Comments are now moot in light of MainQuad's Counterproposal. As a

result, no further consideration need be given to Ms. Wagstaff's  
Comments.

Respectfully submitted,

MainQuad, Inc.

By:   
John M. Pelkey  
Its Attorney

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Date: January 13, 1998

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley Bader & Potts P.L.C., hereby certifies that the foregoing document entitled "Reply Comments of MainQuad, Inc." was mailed this date by First Class U.S. Mail, postage prepaid, to the following:

Donald E. Martin, Esq.  
Law Firm of Donald E. Martin, P.C.  
P.O. Box 19351  
Washington, D.C. 20036  
Counsel for Patricia B. Wagstaff

  
\_\_\_\_\_  
Nancy E. Davies

Date: January 13, 1998